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| 10/529,867 | 10/18/2005 | Tohru Kanegae | 8048-1106 | 2253 |

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| EXAMINER |
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DANG, HUNG Q

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| ART UNIT | PAPER NUMBER |
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2621

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04/01/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/529,867 | KANEGAE ET AL. | |
| | Examiner | Art Unit | |
| | Hung Q. Dang | 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/09/2009 have been fully considered but they are not persuasive.

On pages 25-27, Applicant argues that Saeki does not disclose the feature of "information to indicate presence or absence of the control information element."

In response, Examiner respectfully disagrees. At least in column 13, lines 38-41, column 14, lines 1-18 and shown in Fig. 13, Saeki clearly discloses the attributes "highlight state", "forcedly selected button number", and "forcedly activated button number". At least one of these attributes corresponds to the recited "information to indicate presence or absence of the control information element." Specifically, for example, if the attribute "highlight state" is '00', it indicates that there is no highlighted button on the video display area of the VOB. As such, absence of control information element used for such a highlighted button is indicated. Otherwise, presence of control information element used for such a highlighted button is indicated. Similarly, if the attribute "forcedly selected button number" is 00, it indicates that there is no forcedly selected button on the video display area at initial stage. As such, absence of control information element used for such a forcedly selected button is indicated. Otherwise, presence of control information element used for such a forcedly selected button is indicated. The same thing is true with respect to the attribute "forcedly activated button number".

Therefore, Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al. (US Patent 6,067,400) and Hamada et al. (US 2002/0135608).

Regarding claim 18, Saeki et al. disclose a computer-readable information recording medium (*Fig. 4; column 10, lines 1-17*) on which there are recorded: a first stream having video information to indicate a main-video (*Fig. 6; column 10, line 65 – column 11, line 13*); and a second stream having sub-video information, sub-video control information, wherein sub-video information to indicate a sub-video displayable at least partially over the main-video (*Fig. 10; column 10, line 65 – column 11, line 6; column 11, lines 18-24*); and sub-video control information including (i) a control information element for display control of the sub-video information in a method set in advance (*Fig. 14; column 15, lines 21-34; column 14, lines 33-50*) and (ii) information to indicate presence or absence of the control information element (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30; column 14, lines 33-50; column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13*).

However, Saeki et al. do not disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-

Art Unit: 2621

video and a second stream having sub-video information, sub-video control information; a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item; and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item.

Hamada et al. disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having post-recording information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*); a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]*); and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item (*Fig. 10; [0114]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hamada et al. into the information recording medium disclosed by Saeki et al. in order to implement a friendlier user playback interface, in which users can specify sequences of streams to be played back in groups of editable play lists and to enhance the menu data display during playback by

Art Unit: 2621

allowing menu data and moving picture data to be independently recorded (see *Nagano et al. – US Patent 5,651,087, Fig. 11; Fig. 15; Fig. 21; column 1, lines 29-65; column 14, lines 35-65; column 15, lines 33-60; column 16, lines 57-67; column 17, lines 25-44 for support for this motivation*).

Regarding claim 19, Saeki et al. also disclose the sub-video control information includes (i) a plurality of types of control information elements for display control of the sub-video information in various methods set in advance (*Fig. 14; column 15, lines 21-34; column 19, lines 57-62; column 20, lines 14-17*) and (ii) type indicating information to indicate presence or absence of the control information elements by each of the types (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 1-7, 26-30; column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13*).

Regarding claim 20, Saeki et al. also disclose the sub-video control information further includes sub-frame range information to specify at least a partial area of the sub-video as a sub-frame (“start X-Y coordinates” and “end X-Y coordinates” in *Fig. 14; column 15, lines 21-34*); the control information element comprises information for controlling the sub-video information by a unit of the sub-frame (*column 14, lines 38-44; column 15, lines 44-46; column 19, lines 57-62; column 20, lines 26-30; column 21, lines 17-20; Fig. 30; Fig. 31; Fig. 33; the sub-frame corresponds to the area that gets high-lighted*); and the type indication information indicates the presence or absence of the control information elements by the unit of the sub-frame (*column 14, lines 1-15;*

Art Unit: 2621

column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30; column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13).

Regarding claim 21, Saeki et al. also disclose the type indication information comprises table information including one bit of information by each of the types (*Fig. 13; Fig. 14; column 14, lines 1-15*).

Regarding claim 22, Saeki et al. also disclose the table information includes extension bit information which is not associated with the types (*"reserve" area in Fig. 13*), and a part occupied by the control information elements in the sub-video control information is variable-length (*column 13, lines 59-61*).

Regarding claim 23, Saeki et al. also disclose the control information element includes dynamic control information to display the sub-video information dynamically (*column 13, lines 38-52; column 14, lines 40-44; column 22, lines 50-56; Fig. 30; Fig. 31*).

Regarding claim 24, Saeki et al. also disclose the control information element includes shading-display control information to selectively shade an opaque part out of the sub-video and display it over the main-video (*column 17, lines 19-26; Fig. 12; Fig. 14*).

Regarding claim 25, Saeki et al. also disclose the control information element includes (i) button information which defines at least a part of the sub-video which is to be displayed over the main-video, as a button video part which functions as a button (*Fig. 14; column 15, lines 21-34*), and (ii) highlight information which defines how to

Art Unit: 2621

perform highlight-display control over the button video part (*column 19, lines 63-67; column 22, lines 50-56*).

Regarding claim 26, Saeki et al. also disclose the main-video information (Fig. 8), the sub-video information (Fig. 14) and the sub-video control information (Fig. 13) are divided into predetermined packet units (Fig. 8; Fig. 9; Fig. 10; Fig. 11) and multiplexed (Fig. 6; Fig. 7), and further streamed relatively into the first stream composed of the divided main-video information, the second stream composed of the divided sub-video information set and the second stream composed of the divided sub-video control information (Fig. 6; Fig. 7).

Regarding claim 27, Saeki et al. disclose an information record apparatus (*column 30, lines 20-40*) comprising: a first record device for recording a first stream having video information to indicate a main-video (Fig. 6; *column 10, line 65 – column 11, line 13*) and a second stream having sub-video information, sub-video control information, wherein sub-video information indicating a sub-video displayable at least partially over the main video (Fig. 10; *column 10, line 65 – column 11, line 6; column 11, lines 18-24*), the sub-video control information including (i) a control information element for display control of the sub-video information in a method set in advance (Fig. 14; *column 15, lines 21-34*) and (ii) information to indicate presence or absence of the control information elements (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30 column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13*).

However, Saeki et al. do not disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having sub-video information, sub-video control information; a second record device for recording a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item; and a third record device for recording an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item.

Hamada et al. disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having post-recording information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*); a second record device for recording a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]*); and a third record device for recording an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item (*Fig. 10; [0114]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hamada et al. into the information record apparatus disclosed by Saeki et al. in order to implement a friendlier user playback interface, in which users can specify sequences of streams to be played back in groups of editable play lists and to enhance the menu data display during playback by allowing menu data and moving picture data to be independently recorded (*see Nagano et al. – US Patent 5,651,087, Fig. 11; Fig. 15; Fig. 21; column 1, lines 29-65; column 14, lines 35-65; column 15, lines 33-60; column 16, lines 57-67; column 17, lines 25-44 for support for this motivation*).

Regarding claim 28, Saeki et al. also disclose the first record device records the second stream having the sub-video control information includes (i) a plurality of types of control information elements for display control of the sub-video information in various methods set in advance (*Fig. 14; column 15, lines 21-34; column 19, lines 57-62; column 20, lines 14-17*) and (ii) type indicating information to indicate presence or absence of the control information elements by each of the types (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 1-7, 26-30 column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13*).

Claim 29 is rejected for the same reason as discussed in claim 27 above.

Claim 30 is rejected for the same reason as discussed in claim 28 above.

Regarding claim 31, Saeki et al. disclose an information reproduction apparatus for reproducing information on an information record medium (*Fig. 18; Fig. 20; column 17, lines 44-61*) on which there are recorded: a first stream having video information to

Art Unit: 2621

indicate a main-video (*Fig. 6; column 10, line 65 – column 11, line 13*) and a second stream having sub-video information and sub-video control information, wherein the sub-video information indicating a sub-video displayable at least partially over the main-video (*Fig. 10; column 10, line 65 – column 11, line 6; column 11, lines 18-24*), the sub-video control information including (i) a control information element for display control of the sub-video information in a method set in advance (*Fig. 14; column 15, lines 21-34*) and (ii) information to indicate presence or absence of the control information element (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30; column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13*); said information reproduction apparatus comprising: a reproduction device for reproducing the video information of the first stream (*column 18, lines 57-64*), the sub-video information and the sub-video control information of the second stream (*column 18, line 65 – column 19, line 12; column 20, lines 55-65*); a display output device capable of outputting the reproduced sub-video information over the reproduced video information (*Fig. 18; Fig. 35; column 21, lines 3-7*); and a control device for controlling the display output device to display-control the sub-video information in the method and display the sub-video information over the main-video, on the basis of the control information element whose presence or effectiveness is shown by the information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element which is included in the reproduced sub-video control information (*column 10, line 65 – column 11, line 6; column 11, lines 18-24; column 21, lines 3-7; column 23, lines 1-19, 35-49*).

Art Unit: 2621

However, Saeki et al. do not disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having sub-video information, sub-video control information; a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item; and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item, the reproduction device reproduces the play list information the object information which corresponds to the play list information, the video information of the first stream which corresponds to the object information, the sub-video information and the sub-video control information of the second stream which corresponds to the object information.

Hamada et al. disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having post-recording information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*); a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]*); and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams

Art Unit: 2621

corresponding to each item (*Fig. 10; [0114]*), the reproduction device reproduces the play list information the object information which corresponds to the play list information, the video information of the first stream which corresponds to the object information, the post-recording stream of the second stream which corresponds to the object information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hamada et al. into the information record apparatus disclosed by Saeki et al. in order to implement a friendlier user playback interface, in which users can specify sequences of streams to be played back in groups of editable play lists and to enhance the menu data display during playback by allowing menu data and moving picture data to be independently recorded (*see Nagano et al. – US Patent 5,651,087, Fig. 11; Fig. 15; Fig. 21; column 1, lines 29-65; column 14, lines 35-65; column 15, lines 33-60; column 16, lines 57-67; column 17, lines 25-44 for support for this motivation*).

Regarding claim 32, Saeki et al. also disclose the sub-video control information includes (i) a plurality of types of control information elements for display control of the sub-video information in a various methods set in advance (*Fig. 14; column 15, lines 21-34; column 19, lines 57-62; column 20, lines 14-17*) and (ii) type indicating information to indicate presence or absence of the control information elements by each of the types (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 1-7, 26-30; column 13, lines 38-41; column 14, lines 1-18; shown in Fig. 13*); the control device controls the display output device to display-control

Art Unit: 2621

the sub-video information in the various methods and display the sub-video information over the main-video, on the basis of the control information elements whose presence is shown by the type indication information which is included in the reproduced sub-video control information (*column 10, line 65 – column 11, line 6; column 11, lines 18-24; column 21, lines 3-7; column 23, lines 1-19, 35-49*).

Claim 33 is rejected for the same reason as discussed in claim 31 above.

Claim 34 is rejected for the same reason as discussed in claim 32 above.

Claim 35 is rejected for the same reasons as discussed in claims 27 and 31 above.

Claim 36 is rejected for the same reasons as discussed in claims 28 and 32 above.

Claim 37 is rejected for the same reasons as discussed in claims 27 and 31 above.

Claim 38 is rejected for the same reasons as discussed in claims 28 and 32 above.

Claim 39 is rejected for the same reason as discussed in claim 27 above.

Claim 40 is rejected for the same reason as discussed in claim 31 above.

Claim 41 is rejected for the same reasons as discussed in claims 27 and 31 above.

Claim 42 is rejected for the same reason as discussed in claim 18 above.

Claim 43 is rejected for the same reason as discussed in claim 19 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621